

JUDICIARY SITUATION IS WITHOUT PRECEDENT

Five Vacancies Supplied by Stuart
Affected by Opinion Rendered by
Attorney-General.

MATTER UP TO LEGISLATURE

Held That Gubernatorial Appointments Become Automatically Vacant When Extra Session of General Assembly Convenes.

The five vacancies in the judiciary of the Commonwealth occurring since Governor Henry C. Stuart's administration began, and which were supplied by gubernatorial appointment, will all become automatically vacant again if the General Assembly fails to elect successors to the judges resigning or deceased, at the extra session to be convened this coming winter.

It is up to the legislature to decide whether Governor Stuart's appointments continue on the bench. The situation is in some places without precedent.

The perplexing conditions are disclosed in an opinion submitted yesterday by Attorney-General John J. Pollard in response to a request made to the Attorney-General's interpretation of the constitutional law securing the right of the governor to appoint judges to the bench made by Governor Stuart are, in effect, and called by the assembling of the two branches of the state legislature. Properly speaking, the pro tempore term of each of the five judges is terminated when the general Assembly convenes.

OPINION AFFECTS FIVE

MEMBERS OF BENCH

The five judges thus affected, in the order of their appointment to the judiciary by the governor, are: Judge Preston W. Campbell, Twenty-third Circuit, succeeding Judge F. B. Burton, resigned; Judge Thomas E. Blanton, Twelfth Circuit, succeeding Judge T. R. W. Williams, deceased; Judge Alfred J. Lawlor, circuit, succeeding Judge M. E. King, Corporation Court of the city of Roanoke, succeeding Judge Walter R. Staples, resigned; and Judge Floyd H. Roberts, Corporation Court of the city of Bristol, succeeding Judge Joseph L. Kelly, resigned.

The situation is especially interesting from a political point of view, as the governor's selections for the judiciary were, in some instances, not in accord with the desire of the representatives of the district in the General Assembly. The appointment of Judge King to the Roanoke bench, for example, was made over the open opposition of most of the delegation from that city.

Whether the friends of disappointed candidates for the judgeships will see in the situation now presented an opportunity to renew the fight to put their respective favorites on the bench, only time can determine. When the vacancies in the judiciary were supplied, contingencies such as have arisen were undreamed of.

JUDGES' CASES ON FILE

The situation is naturally causing some of the new judges and their friends no little concern. Yet it is possible that the General Assembly may decline to interfere with the Governor's appointments and adjourn without going into the election of judges. In that event it would be only necessary for Governor Stuart to call through the convention the five judges of his choice.

The Attorney-General, in submitting his opinion, says in part:

"The first question you proposed is, whether your recent appointments of judges will hold until the next regular session of the General Assembly, or whether they will remain with the regular session, or be held over."

Section 72 of the Constitution provides that "the governor shall have power during the recess . . . to fill up temporary vacancies in all offices of the State, for the filling of which the General Assembly has not provided, provided, however, that the executive power may vacate such temporary appointments until the General Assembly meets and performs the function of electing judges."

Your second question is, "Whether the election of judges at the coming extra session would be precluded should you call for the extra session before the conclusion of the session to which you were elected?"

Section 72 of the Constitution provides that "the governor shall convene the General Assembly on application of two thirds of the members of both houses thereof or when in his opinion the interests of the state demand it, and he may be compelled by you to call the extra session after the conclusion of the regular session." The answer to your question depends upon the meaning of the words "next session."

MEANS FIRST SESSION

WHETHER REGULAR OR NOT

It may be argued that this term used in the Constitution means the first session after the vacancy created by your whether such session be regular or extra. Yet, if one of the circumstances the executive power may vacate such temporary appointments until the General Assembly meets and performs the function of electing judges."

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NOT OBLIGATED, NOT

But note the language of the constitution, which says only, "vacancies in all offices of the state, for the filling of which the General Assembly has not provided." The language does not pertain to taxation. It does not oblige the General Assembly not to fill vacancies in office.

The Attorney-General further points out that if the General Assembly should fail to do that, it would be subject to the consideration of the subject mentioned in the first question, the extra session being called to consider any tax bills or resolutions which do not pertain to taxation. It does not oblige the General Assembly not to fill vacancies in office.

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DEDICATE HEADQUARTERS

Exercises at New Home of Prohibition
Length, Tuesday Night.

The dedication of the headquarters of the Woman's Prohibition League of America, 115 North Fifth Street, will take place with appropriate exercises on Tuesday night.

The exercises will be presided over by the league's president, Mrs. G. M. Johnson, and the secretary-treasurer will be present.

Admittance will be free.

The program arranged will also include musical numbers, which will be rendered by the music director of the Barbershop Quartet, who has been engaged to sing.

The program will be introduced by Rev. James C. Johnson, pastor of the Baptist Church.

The new headquarters will be decorated in the league's colors, orange and white.

COMMITTEES NAMED TO ENTERTAIN BANKERS

Many Prominent Men to Aid in Carrying for Richmond's Visitors.

MAYOR AINSLIE HEADS LIST

Every Detail for Comfort and Convenience of Financiers Is to Be Provided For—Personnel of Committee Is Announced.

NATIONAL ANTHEM TO BE SUNG ALL OVER STATE

Noon Monday to Witness Simultaneous Exercises in All Public Schools.

MARKS GREAT CENTENNIAL

State Superintendent Stearnes Calls on Teachers and Principals to Observe Anniversary of Writing of the "Star-Spangled Banner."

Superintendent of Public Instruction, in view of the arrangements for the Richmond convention of the American Bankers Association, October 12-14, have been completed, and include many of the city's most prominent and influential business men. The following local committees have been appointed: General committee, City of Richmond; Mayor George Ainslie; W. H. Adams, R. L. Peters, C. H. Badelife, J. E. Powers, George W. Rogers, John J. Mitchell, and J. J. Pollard. Clearing-house—John B. Purcell, chairman; W. D. Brinkley, James N. Bell, John P. Brinkley, John B. Ellett, John C. Walker and Henry W. Bottrell. Chamber of Commerce—W. T. Reed, H. W. Jackson, L. Z. Morris, J. G. Corley, M. J. Caples, Coleman, Wortham, and Thomas S. Wheelwright.

Finance committee—John M. Miller, Jr., chairman; W. T. Reed, Coleman, Wortham, and Cartwright; W. D. Brinkley, P. Sitterding, J. E. Powers, J. S. Sandis, T. B. McAdams, J. C. Corley, E. L. Beninis, John Stewart Bryan, E. G. Leigh, Jr., M. C. Branch, James H. Drake, E. D. Hutchins, Irvin Weisler, A. L. Adamson, W. H. Schwarschild, W. S. Forbes, John C. Munce, Julian H. Hill, C. E. Braden, C. B. Cooke, E. W. Walker, J. G. Walker, E. Strangwick, T. J. Palmerini, C. V. Meredith and George Ben Johnston.

Administrative committee—Henry E. Littleford, chairman; W. T. Dobney, secretary; Julian H. Hill, Thomas B. McAdams, Waller Holladay and George W. Rogers.

Entertainment committee—Julian H. Hill, chairman; W. H. Adams, W. M. Addison, Henry W. Anderson, Hugh Antman, L. D. Aylett, E. L. Beninis, John K. Branch, John P. Branch, M. C. Branch, John Stewart Bryan, Thomas P. Bryan, C. R. Burnett, H. L. Cannell, W. G. Cornfield, J. G. Corley, W. Cartwright, C. E. Chastain, J. C. Corley, James H. Doddy, H. W. Ellerton, R. L. Gordon, W. M. Halloway, R. H. Harwood, H. S. Hawes, O. H. Hill, William M. Hill, A. R. Holliday, Enos Hunton, Jr., H. W. Jackson, G. Jeter Jones, E. G. Leigh, W. H. Palmer, Leigh W. Gordon McCabe, L. Z. Morris, D. W. Page, William H. Palmer, H. B. Pollard, Thomas P. Purcell, W. T. Reed, Alvin M. Smith, William R. Trigg, Thomas S. Wheelwright and T. C. Whitham.

Hotel and registering committee—Thomas B. McAdams, chairman; E. Dickinson, secretary; W. P. Shelton, W. F. Augustine, W. W. Neale, Stanford H. Parker, H. K. Kent and W. C. Morton.

Information and publicity committee—W. Rogers, chairman; Colonel H. M. Bowkin, H. L. Burwood, Robert Lesley, Jr., George C. Bushell, Alfred H. McElroy, H. M. Lawler, Harvey L. Smith, Fred H. Powell, Nathan Simon, Captain W. M. Myers, H. Carl Boschen, Dr. Frank M. Beale, Woodson Waddell, Dr. George C. Burks, C. T. Norman and Walter G. Coordan.

Reception committee—John Kerr, Branch, chairman; Industrial committee—Berkeley Wilkins, chairman; J. G. Leigh, H. W. Jackson, Horace S. Hume, William T. Reed, Hugh Antman and Horace E. Smith.

Miscellaneous entertainments committee—G. Peter Jones, chairman.

Board trip committee—W. M. Addison, chairman; W. H. Adams, Hugh Antman, M. C. Branch, Thomas P. Bryan, Richard W. Cartwright, H. W. Jackson, R. L. Gordon, H. W. Palmer, Julian H. Hill, H. W. Jackson, G. Peter Jones, J. T. Palmerini, Thomas W. Purcell, Alvin M. Smith and Burke W. Williams.

Catering committee—Saunders Hobson, chairman; W. Brydon Tennant, vice-chairman and E. L. Gordon.

Golf committee—William R. Trigg, chairman; R. H. Hartwell, O. B. Hill and W. C. Morton.

Transportation committee—Clinton L. Williams, chairman; Thomas S. Wheelwright and W. H. Schwarschild.

Historical committee—Judge Daniel Grinnan, chairman, and William G. Standard.

Governor's ball committee—W. H. Palmer, Jr., chairman; DeSoto Pitt, George W. Rogers, W. C. Morton.

Music committee—John G. Corley, chairman; John Stewart Bryan, H. L. Campbell, Henry W. Anderson, John K. Branch, W. M. Halloway and Enos Hunton, Jr.

Automobile committee—J. T. Palmerini, chairman; R. W. Wilson and George C. Burks.

REVENUE OFFICERS ELECT DELEGATES TO CONVENTION

WHO Represent Second Virginia District Meeting Which Opens in Washington Monday.

At a special meeting of the Internal Revenue Association for the Second District of Virginia, held yesterday in the Hotel Royal, delegates to the convention of the national organization, which opens on Monday in Washington, were elected. Those named were:

Franklin Agent—Daniel L. Porter, Deputy Collector, M. M. Stokholm, Deputy Collector, J. F. Robert, Wm. Denby, Collector, John A. Burleson, Deputy Collector, J. B. Clegg, and Storekeeper, George C. Burks.

The delegation will be headed by Chief Deputy Collector, Thomas F. Meany, who is chairman of the executive committee of the national association. Mr. Meany will speak at a meeting to be held at the Hotel Royal to-morrow evening.

The flag supplied by the Junior Order of American Mechanics was presented with a graceful speech by Rev. H. A. Jones, of Vinton, while the response was delivered by T. F. Todd, of Hinton.

Mr. Meany said yesterday that a meeting of the Virginia delegates will be held after reaching Washington to decide whether they will enter the fight for the next meeting.

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NATIONAL ANTHEM TO BE SUNG ALL OVER STATE

May abandon Old Plan of Garbage Disposal

MAY ABANDON OLD PLAN OF GARBAGE DISPOSAL

Administrative Board Seeks Figures as to Cost of Fuel and Operation.

Tentative Plan Laid to Haul Waste Matter Far Into Country and Dump It in Inoffensive Localities—Present Incinerator a Nuisance.

An inquiry has been instituted by the Administrative Board into the cost of operation of the two city incinerators, for the purpose of establishing the amount the city pays for the disposal of its garbage and determining the feasibility of abandoning the incinerator system for a garbage disposal system that will be less expensive.

The two incinerators, it is stated, are now unable to cope with the garbage disposal problem notwithstanding the fact that they are in operation, often night and day. The city has grown and with it the refuse produced daily.

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